

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**MARCIA SCOTT AND ISRAEL
SCOTT (for themselves and as a
representative of their minor child),**

Plaintiff,

vs.

**SAFECO INSURANCE COMPANY OF
INDIANA, A LIBERTY MUTUAL
COMPANY, AND SHILAN PARHAM**

Defendant.

JURY TRIAL DEMANDED

CIVIL ACTION

FILE NO.: 1:19-cv-04330-LMM

PLAINTIFFS' FIRST AMENDED COMPLAINT

COMES NOW Marcia Scott and Israel Scott, plaintiffs, and make and file this complaint against defendants Safeco Insurance Company of Indiana, A Liberty Mutual Company (Safeco) and Shilan Parham as follows:

PARTIES AND JURISDICTION

1.

Plaintiffs Marcia Scott and Israel Scott, Georgia citizens, are subject to the jurisdiction of this court.

2.

Defendant Safeco Insurance Company of Indiana, A Liberty Mutual Company (Safeco) is a foreign corporation existing under the laws of Indiana with its principal place of business in Massachusetts and may be served through its registered agent Corporation Service Company at 40 Technology Parkway South, Suite 300, Norcross, Georgia 30092 and is subject to the jurisdiction of this court under federal diversity jurisdiction because both Defendants are non-citizens of Georgia

3.

Defendant Shilan Parham resides at 7325 Beacon Hill Lane, Apt. 15, Charlotte, NC 28270-5992, and may be served with a copy of the summons and complaint at this address. Defendant Parham is subject to the jurisdiction of this court under federal diversity jurisdiction because both Defendants are non-citizens of Georgia.

BACKGROUND

4.

On or about August 31, 2017, plaintiff Marcia Scott and her unborn minor child were injured in an automobile accident where they were rear ended by the at fault driver, Shilan Parham, insured by State Farm Automobile Insurance Company (State Farm), resulting in serious personal injuries.

5.

At the time of the accident, defendant had issued a policy of underinsured motorist insurance in the amount of \$100,000.00 per person and \$300,000.00 per accident for each of the two vehicles on the policy at issue, covering bodily injury caused by the negligence of the at fault driver, Shilan Parham.

6.

Upon receipt of Plaintiffs' demand letter, Safeco Insurance Company of Indiana has refused to offer any settlement amount to Plaintiffs.

COUNT 1

DEFENDANT SAFECO'S NEGLIGENT FAILURE TO SETTLE

7.

Plaintiffs reallege and incorporate herein the allegations contained in paragraphs 1 through 6 above as if fully restated.

8.

Defendant Safeco was negligent in failing to accept the policy limits demand made by plaintiff's counsel on June 12, 2019 and in failing to settle plaintiffs' claims within the policy limits.

9.

Defendant Safeco placed its own interests in front of the interests of its insured.

10.

Plaintiffs are entitled to recover from defendant Safeco the verdict plus interest due to defendant Safeco's negligence in failing to settle plaintiffs' claim.

COUNT 2

DEFENDANT SEFECO'S NEGLIGENT HIRING, TRAINING AND SUPERVISION

11.

Plaintiffs reallege and incorporate herein the allegations contained in paragraphs 1 through 10 above as if fully restated.

12.

Defendant Safeco was negligent in hiring, training and supervising its employees concerning the handling of policy-limits demands.

13.

Defendant Safeco's negligence in hiring, training and supervising its employees concerning the handling of policy-limits demands will be the sole and proximate cause of any excess verdict in this case.

COUNT 3

NEGLIGENCE OF SHILAN PARHAM

14.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 13.

15.

Defendant Shilan Parham was negligent in the following manner: following too closely to plaintiff's vehicle.

16.

Defendant Shilan Parham was negligent in failing to maintain a proper lookout for plaintiff's vehicle.

17.

As a result of defendant's negligence, plaintiffs Marcia Scott and her unborn child suffered personal injuries.

18.

Defendant's negligence is the sole and proximate cause of plaintiffs' injuries.

WHEREFORE, plaintiffs pray that they have a trial on all issues and judgment against defendants as follows:

- a. That plaintiffs recover the following damages:

General Damages:

Physical and emotional pain and suffering of minor: \$1,000,000.00

Loss of consortium for Mr. Scott: \$50,000.00

Total General Damages: \$1,050,000.00

Total Damages

\$1,050,000.00; or that plaintiffs recover any excess verdict;

- b. That the plaintiffs recover reasonable attorneys' fees and costs of litigation;
- c. That the plaintiffs recover such other and further relief as is just and proper; and
- d. That all issues be tried before a jury.

This 6th day of July 2020.

LAW OFFICE OF J. SCOTT GOZA, LLC

By: /s/ Jamillah Goza
Jamillah Goza
Georgia Bar No. 455213
Attorney for Plaintiffs

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that the foregoing pleading complies with the font and point selections approved by the Court in Local Rule 5.1C. This Complaint has been prepared in Times New Roman font, 14 point.

By: /s/ Jamillah Goza

Jamillah Goza
Georgia Bar No. 455213
Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

This is to certify that on this 6th day of July 2020 I electronically filed the foregoing **PLAINTIFFS' FIRST AMENDED COMPLAINT** with the Clerk of Court using CM/ECF system, which will automatically send e-mail notification of such filing to the following:

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